

REMARKS

In the final Office Action mailed January 10, 2005, claims 1-30 were examined. Claims 4, 5, 8-10, 16-18, 26 and 30 were found to contain allowable subject matter. Claims 1-3, 6, 7, 11-15, 19, 23-25 and 27-29 were found to be anticipated by U.S. Patent No. 3,661,113 to *Wagner*. Claims 1, 19, 20 and 22 were found to be obvious over a combination of *Wagner* and U.S. Patent No. 6,116,972 to *Bellaza Quarter*.

The indication in the Office Action of allowable subject matter of claims 26 and 30:

- the sponsons are deployed to a position out from beneath the deck in the deployed position (requiring recitation of the “deck” element) and
- the “stowed position” being “beneath the deck” and the “deployed position” in which “the sponsons are deployed to a position out from beneath the deck”,

is noted. These features have now been incorporated into claims 1 and 27 as amended above. No new matter is added and no new search is required, since the deck element and deployed position out from under the deck were fully searched previously claims 26 and 30 in the Office Actions received herein.

Similarly, the allowable subject matter of claim 5—sponsons being substantially flush with the hull in the stowed position—is added to claim 23 by amendment. No new matter is added, and a new search is not required in view of the previous searches relative to claim 5.

Claims 2, 17, 18 and 30 have been cancelled, and new claims 31-34 added above, so that claims 1, 3-16, 19-29 and 31-34 are now pending.

A. Claims 1, 3, 6, 7, 11-15, 19, 23-25 and 27-29 are Distinguishable over *Wagner* as Reciting a Sponson-Storing Position Below Deck.

Claim 1 clearly recites how the amphibious vehicle of the present invention now positively recites the deck, the stowed position with the sponsons under the deck, and the deployed position with the sponsons deployed out from under the deck:

(a) a stowed position where each sponson is below the deck,
adjacent and positioned laterally to one of said opposing sides of said

main hull with the main hull between the sponsons, and
(b) a deployed position wherein each sponson deployed from below the deck and is spaced from respective sides of said main hull and additional buoyancy providable by said sponsons provides additional stability to the main hull.

Wagner does not stow sponsons below deck. Rather, *Wagner* teaches sponsons stowed on the deck, which interferes with load carrying capability.

Similarly claim 27 has been amended to include the following elements:

(a) a stowed position where the sponsons are stored in regions between said fore and aft wheels and under said deck and where each sponson is adjacent to and located to one side of said main hull and said main hull is between the sponsons, and

(b) a deployed position wherein each sponson is deployed out from under said deck and is spaced from respective sides of said main hull and additional buoyancy providable by said sponsons provides additional stability to the main hull.

Since independent claims 1 and 27 and dependent claims 3, 6, 7, 11-15, 19, 21, 22, 28 and 29 recite a patentably significant element neither taught nor suggested by *Wagner*, *Wagner* cannot be said to anticipate these claims. Withdrawal of the § 102 rejection of claims 1, 3, 6, 7, 11-15, 19, 21, 22 and 27-29 over *Wagner* is proper and respectfully requested.

B. Claims 23-25 are Patentably Distinguishable over *Wagner* as Including the Allowable Element of Claim 5.

Claim 23 now includes the limitations of claim 5, which were indicated in the Office Action as containing allowable subject matter. Accordingly, claim 23 and dependent claims 24-25 are patentably distinguishable over *Wagner*.

C. Claims 1, 19, 20 and 22 are Patentably Distinguishable over *Wagner* in Combination with *Bellaza Quarter* as Reciting a Sponson-Storing Position Below Deck and a Deployed Position out from Thereunder.

Noting again that claim 1 has been amended to recite allowable subject matter of claim 26, the features discussed above as distinguishing over *Wagner* are also distinguishing over U.S. Patent No. 6,116,972 to *Bellaza Quarter*. As is most clearly shown in Fig. 3 of *Bellaza Quarter* and described in the Abstract, *Bella Quarter* teaches two auxiliary flotation sections—a forward section and an aft section—which can be detachably associated with a hull of a vehicle. If the attached position of *Bellaza*

Quarter's flotation sections is analogous to the "deployed position" recited in claim 1, then the *Bellaza Quarter's* "stowed position" must be the detached position—which is not "below the deck", as required by claim 1. Accordingly, *Bellaza Quarter* fails to teach the distinguishing features of claim 1 for which *Wagner* is deficient.

For this reason alone, independent claim 1 (and dependent claims 19, 20 and 22) are patentably distinguishable over the combination of *Wagner* and *Bellaza Quarter*. Accordingly, withdrawal of the § 103 rejection is proper and respectfully requested.

D. New Claims 31-34.

Three dependent claims were cancelled and three new dependent claims 31-34 have been added. The new claims depend directly and indirectly from independent claim 1 which already includes the allowable subject matter of claims 26 and 30.

E. Claim 2 Cancellation.

The cancellation of claim 2 addresses the double patenting issue relating to claims 2 and 27.

F. Conclusion.

The application now being in condition for allowance, such action is respectfully requested. Although no fees are believed due, any fees associated with this filing may be charged to Deposit Account No. 50-1123. Should any issues remain, the Examiner is asked to phone the undersigned.

Respectfully submitted,

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